



330 Madison Avenue | New York, NY 10017-5001 | bsk.com

DENNIS A. LALLI
dlalli@bsk.com
P: 646.253.2317
F: 646.253.2379

May 14, 2013

VIA FACSIMILE TRANSMISSION -- (212) 805-4258

Honorable Debra Freeman
United States Magistrate Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 525
New York, New York 10007-1312

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/17/13

Re: *Robledo, et al. v. No. 9 Perfume Leasehold, et al.*
Case No.: 12-cv-3579 (ALC) (DF)

MEMO ENDORSED

Dear Judge Freeman:

The parties have agreed that plaintiffs, both of whom are former employees of the defendants, will amend their Complaint, to strike their demand for injunctive relief and for certification of a class pursuant to Fed.R.Civ.P. 23(b)(2). See *Wal-Mart Stores, Inc. v. Dukes*, 131 S.Ct. 2541, 2560 (2012); see also *id.* at 2561 (Ginsberg, J., concurring) (plaintiffs who are no longer employed by the defendant lack standing to seek injunctive relief on behalf of a class under Fed.R.Civ.P. 23(b)(2)), *Chen-Oster v. Goldman Sachs & Co.*, 877 F.Supp.2d 113, 120-22 (S.D.N.Y. 2012) (same).

Accordingly, the parties respectfully request the Court to revise the existing scheduling order, which requires defendants to file their Answer today. Instead, the parties have agreed that the Second Amended Complaint will be served and filed by May 16, 2013, and that defendants' initial responsive pleading will be filed by May 22, 2013. By this letter, we ask the Court to endorse this schedule as an Order of the Court.

SO ORDERED: DATE: 5/17/13

Very truly yours,

Dennis A. Lalli

DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE

cc: Walker Harman, Esq. (via e-mail transmission as a pdf document) (w/enc.)
Peter J. Andrews, Esq. (via e-mail transmission as a pdf document) (w/enc.)
Jon Brooks, Esq. (via e-mail transmission as a pdf document) (w/enc.)
Marc Zimmerman, Esq. (via e-mail transmission as a pdf document) (w/enc.)

59275.1

A Professional Limited Liability Company